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6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 HELENE LESTER,

Case No. 2:10-cv-00531-GMN-PAL

10 Plaintiff,

11 vs.

12 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a Political Subdivision of the
13 STATE OF NEVADA; POLICE OFFICER B.
RODENIS, #9080, individually and as a Police
14 Officer employed by the LAS VEGAS
METROPOLITAN POLICE DEPARTMENT;
POLICE OFFICER JOHN DOES I-X, and
JOHN DOES I-XX, inclusive,

15 Defendants.

16
17 **STIPULATION AND ORDER TO**
18 **EXTEND DISCOVERY**
19 **(SECOND REQUEST)**

20 IT IS HEREBY STIPULATED AND AGREED that the discovery cut-off date of
21 December 29, 2010 be continued for a period of thirty (30) days up to and including January 28,
22 2011.

23 **DISCOVERY COMPLETED TO DATE:**

24 Plaintiff and Defendant have produced their Initial Disclosures Of Documents and
Persons With Knowledge Pursuant to Fed. R. Civ. P. 26(A) as well as several supplements.
Defendants have propounded Interrogatories, Requests for Admission, and Requests for
Production of Documents on Plaintiff. Plaintiff has responded to the same.

1 The Plaintiff has recently (December 9, 2010) provided supplemental responses which
2 include the identity of at least three (3) medical providers with whom she received treatment she
3 attributes to the subject incident. The Plaintiff's deposition is set for December 28, 2010,
4 following the need to reschedule twice due to the need for Defendant to have the supplemental
5 responses back from Plaintiff prior to the deposition. The Defendant has taken the deposition of
6 Terry Bratton. Defendant will take the deposition of Plaintiff's expert, D.P. Van Blaricom, on
7 December 22, 2010.

8 Plaintiff has taken the deposition of Defendant Roberts. Plaintiff will take the
9 depositions of two other LVMPD officers on December 14, 2010, along with the deposition of a
10 paramedic with the Clark County Fire Department ("CCFD"). Another CCFD deposition is set
11 for December 20, 2010.

12 **DISCOVERY YET TO BE COMPLETED:**

13 The Court previously permitted the Defendant to have some additional time to designate
14 a rebuttal expert witness. The Defendant produced its Rebuttal Report on November 30, 2010.
15 The Plaintiff would like to take the deposition of the Defendant's rebuttal expert. In addition, the
16 Plaintiff has recently disclosed the identity of several medical providers. The Defendant has sent
17 medical records requests to each of the providers as of December 9, 2010, and would like the
18 opportunity to depose the medical providers. Defendant may need to petition the Court for an
19 extension of time to disclose a medical expert witness should the medical information reveal the
20 need to retain a medical expert. Finally, the Defendant has been diligent in trying to locate three
21 (3) fact witnesses, Linda Webster, Elizabeth Wimpfheimer and Douglas Webster. Defendants
22 would like to set the depositions of these fact witnesses for early January.

1 **REASONS WHY REMAINING DISCOVERY HAS NOT YET BEEN COMPLETED:**

2 As set forth above, the parties have been active in pursuing discovery. The recent
3 disclosure of several medical witnesses has resulted in the Defendant's need to obtain the
4 records, depose the physicians and evaluate the need for a medical expert. In addition, the
5 Defendant served Plaintiff with its rebuttal expert's report on November 30, 2010. The Plaintiff
6 would like to take the deposition of the Defendant's expert. Further, the Defendant has been
7 trying to locate three (3) witnesses for their depositions. It is believed that Defendant will be
8 able to subpoena at least two (2) of the three (3) for deposition in early January.

9 The foregoing request is made in good faith and is the second request for an extension to
10 extend discovery deadlines. Pursuant to this Court's Order (Document 28), discovery has only
11 been continued once, for thirty (30) days. The parties made good use of that time and need
12 additional time for the reasons expressed above. Accordingly, it is hereby stipulated and
13 respectfully requested that this Court enter an Order as follows:

14 (a) That the current discovery cutoff date of December 29, 2010, may be extended for
15 a period of thirty (30) days to and including January 28, 2011.

16 (b) All pretrial motions, including but not limited to, discovery motions and motions
17 to dismiss shall be filed and served no later than thirty (30) days after the close of discovery,
18 which is by March 1, 2011.

19 (c) All motions for summary judgment shall be filed and served no later than thirty
20 (30) days after the close of discovery, which is by March 1, 2011.

21 (d) The last day for the parties to file their dispositive motions shall be March 1,
22 2011.

(e) The Joint Pretrial Order in the above-entitled action shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be by March 31, 2011, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of this Court.

(f) The last day for the parties to file their Motion and/or Stipulation to Extend Discovery shall be twenty (20) days prior to the discovery cut-off which shall be by January 8, 2011.

The parties have entered into this Stipulation in an effort to complete discovery and pretrial motions. The parties are not delaying the conclusion of this matter by way of trial or otherwise; rather, the parties are trying to garner all the necessary information, through formal discovery or interviews, to evaluate the case for settlement purposes. No trial date has yet been ordered.

This Stipulation is entered into this 14th day of December, 2010.

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IT IS SO ORDERED.

Dated this 16th day of December 2010.


UNITED STATES MAGISTRATE JUDGE